



**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

MICHAEL MONTGOMERY

Plaintiff,

v.

WAL-MART STORES, INC., et al

Defendant.

Civil No. 12-CV-3057-L-WVG

JLS-DHB

**PRO HAC VICE APPLICATION**

Kinderhook Industries II, LP; Kinderhook Industries, LLC; Kinderhook Capital Fund II, LP  
Party Represented

I, Timothy P. Harkness hereby petition the above entitled court to permit me  
(Applicant)

to appear and participate in this case and in support of petition state:

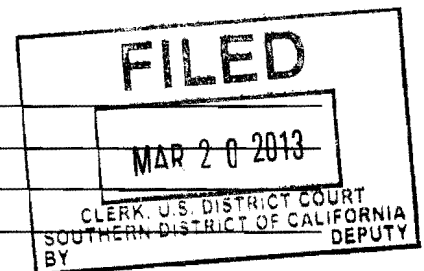
My firm name: Freshfields Bruckhaus Deringer US LLP

Street address: 601 Lexington Ave, 31st Floor

City, State, ZIP: New York, NY 10022

Phone number: 212-277-4000

Email: timothy.harkness@freshfields.com



That on 04/1997 I was admitted to practice before the Courts of New York State  
(Date) (Name of Court)

and am currently in good standing and eligible to practice in said court,  
that I am not currently suspended or disbarred in any other court, and  
that I ☐ have) ☒ have not) concurrently or within the year preceding this application made  
any pro hac vice application to this court.

(If previous application made, complete the following)

Title of case \_\_\_\_\_

Case Number \_\_\_\_\_ Date of Application \_\_\_\_\_

Application: ☐ Granted ☐ Denied

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Applicant)

**DESIGNATION OF LOCAL COUNSEL**

I hereby designate the below named as associate local counsel.

Frank J. Polek

(Name)

619-550-2455

(Telephone)

FRANK POLEK, ATTORNEY AT LAW

(Firm)

701 B Street, Suite 1110, San Diego, CA 92101


(Street)

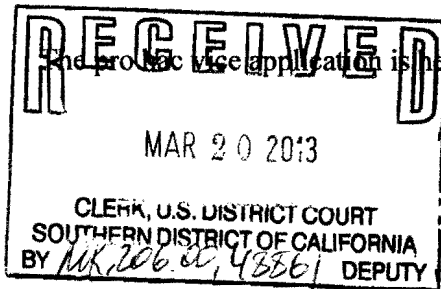
(City)

(Zip code)

(Signature of Applicant)

I hereby consent to the above designation.

  
(Signature of Designee Attorney)



The pro hac vice application is hereby approved for filing.

W. Samuel Hamrick, Jr.  
Clerk of Court

  
By Deputy Clerk

Received \$206.00 for Court Library fee

\_\_\_\_\_  
Deputy Clerk

**Pro Hac Vice** (For this one particular occasion)

An attorney who is not a member of the California State Bar, but who is a member in good standing of, and eligible to practice before, the bar of any United States court or of the highest court of any State or of any Territory or Insular possession of the United States, who is of good moral character, and who has been retained to appear in this Court, be permitted to appear and participate in a particular case. An attorney is not eligible to practice pursuant to this paragraph in any one or more of the following apply to him/her: (1) he/she resides in California, (2) he/she is regularly employed in California, or (3) he/she is regularly engaged in business, professional, or other activities in California.

The pro hac vice application shall be presented to the Clerk and shall state under penalty of perjury (1) the attorney's residence and office address, (2) by what court he/she has been admitted to practice and the date of admission, he/she is in good standing and eligible to practice in said court, (4) that he/she is not currently suspended or disbarred in any other court, and (5) if he/she has concurrently or within the year preceding his/her current application made any pro hac vice application to this court, the title and the case number of each matter wherein he made application, the date of application, and whether or not his/her application was granted. He/She shall also designate in his application a member of the bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers shall be served. He/She shall file with such application the address, telephone number and written consent of such designee.

**Fee:** \$206.00, payable to Clerk, U.S. District Court

**Application and fee should be mailed directly to:**

W. Samuel Hamrick, Jr., Clerk  
United States District Court  
Southern District of California  
333 West Broadway, Suite 420  
San Diego, California 92101